

IC 5-22-7

Chapter 7. Competitive Bidding

IC 5-22-7-1

Compliance with chapter required

Sec. 1. A purchasing agent shall follow the procedure described in this chapter in awarding a contract for supplies, unless another purchasing method is required or authorized by this article.

As added by P.L.49-1997, SEC.1.

IC 5-22-7-2

Invitation for bids

Sec. 2. (a) A purchasing agent shall issue an invitation for bids.

(b) An invitation for bids must include the following:

- (1) A purchase description.
- (2) All contractual terms and conditions that apply to the purchase.
- (3) A statement of the evaluation criteria that will be used, including any of the following:
 - (A) Inspection.
 - (B) Testing.
 - (C) Quality.
 - (D) Workmanship.
 - (E) Delivery.
 - (F) Suitability for a particular purpose.
 - (G) The requirement imposed under IC 5-22-3-5.
- (4) The time and place for opening the bids.
- (5) A statement concerning whether the bid must be accompanied by a certified check or other evidence of financial responsibility that may be imposed in accordance with rules or policies of the governmental body.
- (6) A statement concerning the conditions under which a bid may be canceled or rejected in whole or in part as specified under IC 5-22-18-2.

As added by P.L.49-1997, SEC.1.

IC 5-22-7-3

Objective measurement of evaluation criteria

Sec. 3. Evaluation criteria that will:

- (1) affect the bid price; and
- (2) be considered in the evaluation for an award;

must be objectively measurable.

As added by P.L.49-1997, SEC.1.

IC 5-22-7-4

Criteria for bid evaluation

Sec. 4. Only criteria specified in the invitation for bids may be used in bid evaluation.

As added by P.L.49-1997, SEC.1.

IC 5-22-7-5

Notice of invitation for bids

Sec. 5. (a) The purchasing agency shall give notice of the invitation for bids in the manner required by IC 5-3-1.

(b) The purchasing agency for a state agency shall also provide electronic access to the notice through the electronic gateway administered by the intelenet commission.

(c) The purchasing agency for a political subdivision may also provide electronic access to the notice through:

- (1) the electronic gateway administered by the intelenet commission as determined by the commission; or
- (2) any other electronic means available to the political subdivision.

As added by P.L.49-1997, SEC.1. Amended by P.L.251-1999, SEC.5; P.L.31-2002, SEC.3; P.L.93-2004, SEC.8.

IC 5-22-7-6

Public opening of bids

Sec. 6. The purchasing agency shall open bids publicly in the presence of one (1) or more witnesses at the time and place designated in the invitation for bids.

As added by P.L.49-1997, SEC.1.

IC 5-22-7-7

Bids; acceptance; evaluation

Sec. 7. Bids must be:

- (1) unconditionally accepted without alteration or correction, except as provided in sections 11 through 13 of this chapter; and
- (2) evaluated based on the requirements provided in the invitation for bids.

As added by P.L.49-1997, SEC.1.

IC 5-22-7-8

Awarding of contract

Sec. 8. A contract must be awarded with reasonable promptness by written notice to the lowest responsible and responsive bidder.

As added by P.L.49-1997, SEC.1.

IC 5-22-7-9

Maintenance of information by purchasing agency

Sec. 9. (a) The purchasing agency shall maintain the following information:

- (1) The name of each bidder.
- (2) The amount of each bid.
- (3) Other information required by this article and rules adopted under this article.

(b) The information described in subsection (a) is subject to public inspection after each contract award.

As added by P.L.49-1997, SEC.1.

IC 5-22-7-10

Rules; policies

Sec. 10. (a) The governmental body may adopt rules or establish policies to allow any of the following:

- (1) Correction or withdrawal of inadvertently erroneous bids before or after award.
- (2) Cancellation of awards or contracts based on a mistake described in subdivision (1).

(b) Except as provided in a rule or policy, a purchasing agency must make a written decision to:

- (1) permit the correction or withdrawal of a bid; or
- (2) cancel awards or contracts based on bid mistakes.

As added by P.L.49-1997, SEC.1.

IC 5-22-7-11

Prohibited changes after bid opening

Sec. 11. A purchasing agency may not permit changes in:

- (1) bid prices; or
- (2) other provisions of bids prejudicial to the interest of the governmental body or fair competition;

after bid opening.

As added by P.L.49-1997, SEC.1.

IC 5-22-7-12

Proposed additions to contract

Sec. 12. If a bidder inserts contract terms or bids on items not specified in the invitation for bids, the purchasing agent shall treat the additional material as a proposal for addition to the contract and may do any of the following:

- (1) Declare the bidder nonresponsive.
- (2) Permit the bidder to withdraw the proposed additions to the contract in order to meet the requirements and criteria provided in the invitation for bids.
- (3) Accept any of the proposed additions to the contract, subject to section 13 of this chapter.

As added by P.L.49-1997, SEC.1.

IC 5-22-7-13

Acceptance of proposed additions to contract; permitted changes to requirements of invitation for bids

Sec. 13. (a) The purchasing agent may not accept proposed additions to the contract that are prejudicial to the interest of the governmental body or fair competition.

(b) A decision of the purchasing agent to permit a change to the requirements of the invitation for bids must be supported by a written determination by the purchasing agency.

As added by P.L.49-1997, SEC.1.